

Law Offices of
CONNOLLY & GOLDIAN, LLP

PAUL R.J. CONNOLLY, PC
PAUL@CONNOLLYGOLDIAN.COM

2731 TWELFTH ST SE
P.O. Box 3095
SALEM, OR 97302
PHONE (503) 585-2054
FACSIMILE (503) 584-7037

DONNA G. GOLDIAN, PC
DONNA@CONNOLLYGOLDIAN.COM

August 3, 2004

Attn: Kim C. Stevenson
Federal Election Commission
999 E. Street NW
Washington, DC 20463

Re: MUR 5475

Dear Ms. Stevenson:

Enclosed you will find the original Answer of Oregon Republican Party and Kevin Mannix to Amended Complaint, Statement by the Oregon Republican Party in Response to Amended Complaint and a Statement of Designation of Counsel from the Oregon Republican Party and from Kevin Mannix. These documents were also faxed to you on this date.

Very truly yours,

CONNOLLY & GOLDIAN, LLP



Paul R.J. Connolly

PRJC/jgh
Enclosures
ORP/FEC ltr wpd

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG - 9 A 10:32

25044121421

Paul J. Connolly, OSB #84409
paul@connollygoldian.com
CONNOLLY & GOLDIAN, LLP
2731 Twelfth St. SE
PO Box 3095
Salem, OR 97302
Phone: (503) 585-2054
Fax: (503) 584-7037

Of Attorneys for Oregon Republican Party and Kevin Mannix.

FEDERAL ELECTION COMMISSION

In the Matter of: Nader for President 2004)
Clarissa Peterson, Treasurer) MUR: 5475
Oregon Citizens for a Sound Economy)
Russ Walker)
Oregon Family Council)
Tim Nashif, Staff)
Mike White, Staff)
Bush-Cheney '04)
David Herndon, Treasurer)
Steve Schmidt, Spokesman)
Oregon Republican Party)
Kevin Mannix)

ANSWER OF OREGON REPUBLICAN PARTY AND KEVIN MANNIX

TO AMENDED COMPLAINT

1. In response to the Amended Complaint filed by Citizens for Responsibility and Ethics in Washington ("CRE"), defendants Oregon Republican Party ("ORP") and Kevin Mannix ("Mannix") respond, admit and deny as follows:

2. In response to ¶ 1, ORP and Mannix admit that CRE has brought an Amended Complaint before the Federal Election Commission but deny that there are any "direct and serious violations of Federal Campaign Finance Law" alleged therein.

3. In response to ¶ 2, ORP and Mannix are without knowledge of the legal status of CRE and further denies that CRE is "non-partisan" or is "dedicated to ensuring accountability in public officials."

4. In response to ¶¶ 3, 4 and 5, ORP and Mannix are without knowledge of the allegations therein and therefore deny the paragraph.

5. In response to ¶ 6, ORP and Mannix admit the first sentence of the paragraph but are without knowledge of and therefore denies the remainder of the paragraph.

6. In response to ¶ 7, ORP and Mannix admit the paragraph.

7. In response to ¶¶ 8, 9, 10, 11, 12, 13 and 14, ORP and Mannix are without knowledge of the allegations therein and therefore deny the paragraphs.

8. In response to ¶ 15, the paragraph is a statement of law and therefore not an appropriate of an allegation is a complaint and therefore is denied.

9. In response to ¶¶ 16, 17, 18, ORP and Mannix are without knowledge of the allegations therein and therefore deny the paragraphs.

10. In response to ¶ 19, the paragraph contains a faulty statement of federal campaign law and an erroneous interpretation of that law and therefore is denied in its entirety.

11. In response to ¶ 20, the paragraph contains double and triple hearsay and comments on fallacious analysis of federal campaign law and is denied in its entirety. Furthermore, ORP and Mannix deny any hearsay statements by OFC reported by the media.

12. In response to ¶ 21, the paragraph contains double and triple hearsay and comments on the hearsay and is denied in its entirety.

13. In response to ¶ 22, the paragraph contains argument, hearsay, speculation on non-existing evidence and supposition, all of which "strains credulity beyond the breaking point" and is therefore denied in its entirety.

14. In response to ¶ 23, the paragraph contains questions and arguments and not allegations of fact and therefore is denied in its entirety.

AFFIRMATIVE DEFENSES

1. Commission regulations define "public communication" as "a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing or telephone bank to the general public, or any other form of general public political advertising." 11 CFR 100.26. "Telephone bank" means "more than 500 telephone calls of an identical or substantially similar nature within any 30-day period." 11 CFR 100.28. The ORP did not operate a "phone bank" pursuant to the FEC definition.

2. Paragraph 20 of the Amended Complaint seeks enforcement pursuant to 18 USC 371. The FEC possesses authority to enforce the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and chapters 95 and 96 of title 26. 2 USC 437c(b); 437d(a)(6); 437g(a)(1). Therefore, this claim is outside of the agency's jurisdiction because it is not cognizable under the Act.

3. Count II is deficient as to the ORP because OFC is not a state, district, or local party committee, and there is no allegation that it was established, financed, maintained, or controlled by one. Thus, 2 USC 441i(b) cannot govern OFC's alleged activity.

4. The Act and Commission regulations do not define a violation as "conspir[ing] ... to evade" a section of the law. The claim should be stricken.

5. The Commission threshold finding of "reason to believe" finding is proper only when the Commission believes a violation may have occurred based upon facts as set forth in the complaint or referral. 2 USC 437g(a)(2). The double and triple hearsay "allegations" of the amended complaint with respect to the ORP do not amount to any violation of the Act or Commission regulations, and therefore the Commission should find no reason to believe that the Oregon Republican Party and Kevin Mannix violated any provision of the Act in MUR 5475, and close the file with respect to them.

6. There is no allegation providing a basis for personal liability by Kevin Mannix. All claims against Kevin Mannix should be dismissed.

WHEREFORE, ORP and Kevin Mannix pray for an order from the FEC striking or alternatively dismissing the amended complaint against them and awarding attorneys fees and costs as allowed by law.

DATED this 31st day of August, 2004.

CONNOLLY & GOLDIAN, LLP


Paul J. Connolly, Oregon State Bar #84409
Of Attorneys for Oregon Republican Party
and Kevin Mannix

FEDERAL ELECTION COMMISSION

In the Matter of: Nader for President 2004)
Clarissa Peterson, Treasurer) MUR: 5475
Oregon Citizens for a Sound Economy)
Russ Walker)
Oregon Family Council)
Tim Nashif, Staff)
Mike White, Staff)
Bush-Cheney '04)
David Herndon, Treasurer)
Steve Schmidt, Spokesman)
Oregon Republican Party)
Kevin Mannix)

STATEMENT BY THE OREGON REPUBLICAN PARTY IN REPOSE
TO AMENDED COMPLAINT

The undersigned, on behalf of the Oregon Republican Party ("ORP") and Kevin Mannix, chairman of the ORP, makes the following statement in response to the Amended Complaint submitted by the Citizens for Responsibility and Ethics in Washington.

1. In response to ¶ 19, ORP denies using any OFC script to make phone calls which "refer to both President Bush and Ralph Nader and support the candidacy of both men" and the ORP denies using "public communication" as defined by 2 U.S.C. §431 (22).

2. In response to ¶ 20, the ORP denies encouraging the OFC to boost turnout for the Nader for President 2004 convention in Oregon.

DATED this 30 day of July, 2004.

Amy E. Casterline
Amy Casterline, Executive Director
Oregon Republican Party

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent.

MUR 5475NAME OF COUNSEL: Paul R.J. ConnollyFIRM: Connolly & Goldian, LLPADDRESS: 2731 12th St., SEPO Box 3095Salem, OR 97302TELEPHONE: (503) 585-2054FAX: (503) 584-7037

The above-named individual is hereby designated as my counsel
and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

Kevin Mannix

Print Name

8/2/04

Date

Kevin Z. Mannix

Signature

Title

RESPONDENT'S NAME: Kevin MannixADDRESS: PO Box 789Salem, OR 97308

TELEPHONE: HOME()

BUSINESS(503) 587-9233

25044121428

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent.

MUR 5475NAME OF COUNSEL: Paul R.J. ConnollyFIRM: Connolly & Goldian, LLPADDRESS: 2731 12th St., SEPOBox 3095Salem, OR 97302TELEPHONE: (503) 585-2054FAX: (503) 584-7037

The above-named individual is hereby designated as my counsel
and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

Amy Casteline
Print Name8/2/04
DateAmy E. Casteline
SignatureExecutive Director
TitleRESPONDENT'S NAME: Oregon Republican PartyADDRESS: PO Box 789Salem, OR 97308TELEPHONE: HOME (503) 587-9233BUSINESS (503) 587-9233

25044121429